

2. On January 23, 2008, Judge Matthew F. Kennelly appointed Thomas J. McCarthy as counsel for Sheptin in this proceeding. Counsel has since met with Sheptin and discussed the legal and factual issues in this case, and counsel has further investigated the facts and law applicable to Sheptin's claims.

3. Assistant United States Attorney Jonathan Haile, Designated Counsel for one of the defendants (Dr. P. Harvey, Clinical Director at the MCC) named in Sheptin's *pro se* complaints, has advised counsel that he believes that Sheptin has not exhausted his administrative remedies. Sheptin has in fact complained repeatedly to MCC medical personnel about the nature and quality of his medical care. But to avoid a protracted dispute about Sheptin's specific responsibilities in this regard, on advice from his counsel, Sheptin is filing formal administrative grievances with the United States Bureau of Prisons.

4. In the interests of judicial efficiency, Sheptin requests that this Court remand these proceedings to the Bureau of Prisons to ensure that the full scope of his complaints about his medical care can be heard and considered without requiring this Court to hear and determine the exhaustion issue. Sheptin further requests that this Court retain jurisdiction over this matter while the administrative proceedings are underway solely to the extent necessary to enable Sheptin to have a forum to bring to the Court's attention any emergency medical issues that may arise. Sheptin's prior experience with the medical staff at the MCC demonstrates the need for the Court to retain jurisdiction for this limited purpose.

5. In the event that his administrative complaints are not resolved adequately, Sheptin reserves the right to file an amended complaint in these proceedings seeking all appropriate injunctive and monetary relief.

For all of the above reasons, Sheptin respectfully requests this Court to remand this case to the United States Bureau of Prisons for a full consideration of the merits of Plaintiff's medical claims, subject to the retention of jurisdiction to hear and consider any medical issues of an emergency nature that may arise during the pendency of administrative proceedings, and without prejudice to his right to file an amended complaint in this action if and when Mr. Sheptin's administrative grievances are not resolved adequately.

Dated: February 12, 2008

Respectfully submitted,

JENNER & BLOCK LLP

By: s/ Thomas J. McCarthy
Thomas J. McCarthy

Thomas J. McCarthy
JENNER & BLOCK LLP
330 N. Wabash Ave.
Chicago, IL 60611
(312) 222-9350